

117TH CONGRESS
2D SESSION

S. 3793

To amend title XI of the Social Security Act to recommend that the Center for Medicare and Medicaid Innovation test the effect of technology-enabled care interventions in the home to coordinate care over time and across settings, improve quality, and lower costs for certain Medicare Advantage beneficiaries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 7), 2022

Mr. SCOTT of South Carolina (for himself and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XI of the Social Security Act to recommend that the Center for Medicare and Medicaid Innovation test the effect of technology-enabled care interventions in the home to coordinate care over time and across settings, improve quality, and lower costs for certain Medicare Advantage beneficiaries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Technology-Enabled
5 Care in the Home (TECH) Act”.

1 **SEC. 2. CENTER FOR MEDICARE AND MEDICAID INNOVA-**
 2 **TION TESTING OF MEDICARE ADVANTAGE**
 3 **TELEHEALTH, REMOTE PATIENT MONI-**
 4 **TORING, AND OTHER TECHNOLOGY-ENABLED**
 5 **CARE INTERVENTIONS IN THE HOME DEM-**
 6 **ONSTRATION PROJECT.**

7 Section 1115A of the Social Security Act (42 U.S.C.
 8 1315a) is amended—

9 (1) in subsection (b)(2)(B), by adding at the
 10 end the following new clause:

11 “(xxviii) Furnishing telehealth, remote
 12 patient monitoring, and other technology-
 13 enabled care interventions in the home to
 14 eligible individuals as described in sub-
 15 section (h).”; and

16 (2) by adding at the end the following new sub-
 17 section:

18 “(h) MEDICARE ADVANTAGE TELEHEALTH, REMOTE
 19 PATIENT MONITORING, AND OTHER TECHNOLOGY-EN-
 20 ABLED CARE INTERVENTIONS IN THE HOME DEM-
 21 ONSTRATION PROJECT (TECH DEMONSTRATION
 22 PROJECT).—

23 “(1) DESCRIPTION OF DEMONSTRATION
 24 PROJECT AND REQUIREMENTS.—

25 “(A) IN GENERAL.—The demonstration
 26 project described in this subsection (referred to

in this subsection as the ‘TECH demonstration project)’ is a demonstration project to test the use of telehealth services, remote patient monitoring, and other technology-enabled care interventions in the home for eligible enrollees authorized under Medicare Advantage organizations under part C of title XVIII and restricted to such organizations that are participating in the CMI’s Value-Based Insurance Design model in 2023. The demonstration project will test the effectiveness of these technology-enabled interventions on—

“(i) the provision of care in homes and congregate care settings for the management of disease progression, patient health, care quality, patient care experience, and caregiver well-being; and

“(ii) reducing spending under part C of title XVIII without reducing quality of care.

“(B) VOLUNTARY PARTICIPATION.—Participation under the TECH demonstration project shall be voluntary with respect to both eligible enrollees and Medicare Advantage organizations.

1 “(2) DURATION.— The TECH demonstration
2 project shall be implemented for a 3-year period, be-
3 ginning not later than 18 months after the date of
4 the enactment of this subsection.

5 “(3) ENROLLMENT.—The TECH demonstra-
6 tion project shall establish a comparison group and
7 enroll sufficient numbers of eligible enrollees to
8 achieve statistically significant findings on quality
9 and cost for the demonstration project and for spe-
10 cific sub-populations, including those based on geog-
11 raphy, socioeconomic status, age, race, and ethnicity.

12 “(4) DEFINITIONS.—In this subsection:

13 “(A) ELIGIBLE ENROLLEE.—The term ‘eli-
14 gible enrollee’ means a chronically ill enrollee
15 (as defined in section 1852(a)(3)(D)(iii)).

16 “(B) REMOTE PATIENT MONITORING.—
17 The term ‘remote patient monitoring’ means
18 connected digital technologies and mobile med-
19 ical devices that collect clinical grade, patient-
20 generated health data from individuals in one
21 location and electronically transmit that infor-
22 mation securely to a care team in a different lo-
23 cation for assessment and intervention.

24 “(C) TELEHEALTH SERVICES.—The term
25 ‘telehealth services’ means telehealth services

(as defined in subparagraph (F) of section 1834(m)(4), but without regard to geographic or other originating site requirements described in subparagraph (C) of such section).

“(D) OTHER TECHNOLOGY-ENABLED CARE INTERVENTIONS.— The term ‘technology-enabled care interventions’ means mobile, digital, or electronic health services and systems that enable the remote, secure exchange of information primarily between a health or care provider and a patient in a home or congregate care setting for the purpose of diagnosing or managing a health condition.

“(5) FUNDING.—Out of amounts appropriated under subsection (f)(1)(C) for the 10-year fiscal period beginning with fiscal year 2020, \$25,000,000 shall be made available to carry out this subsection.”.

SEC. 3. CHANGES TO THE ADMINISTRATIVE FINALITY POLICY OF THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 205(c) of the Social Security Act (42 U.S.C. 401(c)) is amended—

(1) by striking paragraphs (4) and (5) and inserting the following:

1 “(4) The Commissioner of Social Security may,
2 if it is brought to the Commissioner’s attention that
3 any entry of wages or self-employment income in the
4 Commissioner’s records for a year is erroneous or
5 that any item of wages or self-employment income
6 for such year has been omitted from such records,
7 correct such entry or include such omitted item in
8 the individual’s records, as the case may be. After
9 the expiration of the time limitation following any
10 year—

11 “(A) the Commissioner’s records (with changes,
12 if any, made pursuant to such regulations as the
13 Commissioner shall establish) of the amounts of
14 wages paid to, and self-employment income derived
15 by, an individual during any period in such year
16 shall be conclusive for the purposes of this title;

17 “(B) the absence of an entry in the Commis-
18 sioner’s records as to the wages alleged to have been
19 paid by an employer to an individual during any pe-
20 riod in such year shall be presumptive evidence for
21 the purposes of this title that no such alleged wages
22 were paid to such individual in such period; and

23 “(C) the absence of an entry in the Commis-
24 sioner’s records as to the self-employment income al-
25 leged to have been derived by an individual in such

1 year shall be conclusive for the purposes of this title
 2 that no such alleged self-employment income was de-
 3 rived by such individual in such year unless it is
 4 shown that the individual filed a tax return of the
 5 individual's self-employment income for such year
 6 before the expiration of the time limitation following
 7 such year, in which case the Commissioner of Social
 8 Security shall include in the Commissioner's records
 9 the self-employment income of such individual for
 10 such year.”;

11 (2) by redesignating paragraphs (6) through
 12 (9) as paragraphs (5) through (8), respectively; and

13 (3) in paragraph (5), as so redesignated, by
 14 striking “under paragraph (4) or (5)” and inserting
 15 “made by the Commissioner of Social Security in ac-
 16 cordance with such regulations as the Commissioner
 17 shall establish”.

18 (b) REQUIRING SSA TO ADJUST ADMINISTRATIVE
 19 FINALITY POLICY.—Not later than 6 months after the
 20 date of enactment, the Commissioner of Social Security
 21 shall promulgate regulations establishing processes and
 22 criteria for correcting the Commissioner's records of the
 23 wages and self-employment income of individuals for pur-
 24 poses of title II of the Social Security Act (42 U.S.C. 401

1 et seq.) in accordance with section 205(c)(4) of such Act,
2 as amended by subsection (a).

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